

sued separately upon their contracts, whether made before or during marriage, and for wrongs independent of contract committed by them before or during their marriage, as fully as if they were unmarried; and upon judgments recovered against them, execution may be issued as if they were unmarried; nor shall any husband be liable upon any contract made by his wife in her own name and upon her own responsibility, nor for any tort committed separately by her out of his presence, without his participation or sanction.

Contracts by married women.

Prior to act of 1898, all a married woman's contracts, agreements and covenants were void except as to her separate estate. Where (prior to said act) a wife joined with her husband in a deed for purpose of barring her dower, she is not liable on the covenants of general warranty in deed. *Pyle v. Gross*, 92 Md. 133. And see *Lyell v. Walbach*, 113 Md. 577; *Six v. Shaner*, 26 Md. 444.

A married woman's contract made prior to act of 1898, being void, cannot be revived by a promise made subsequent to said act, there being no consideration for the subsequent promise. *Lyell v. Walbach*, 113 Md. 579.

For a discussion of the power of wife by joining her husband to contract with reference to her separate property held under sec. 2 of Code of 1860, and also under law prior thereto, see *Wingert v. Gordon*, 66 Md. 109.

Even prior to this section, a married woman was a competent purchaser of property and upon her failure to comply with purchase, property could be sold at her risk, she being personally liable for any deficiency. *Whitely v. Whitely*, 117 Md. 546.

This section referred to in a suit against a decedent's executors for board and lodging, where defense was that agreement to pay was with decedent's wife. *Herman v. Oehrl*, 116 Md. 515.

Suits by married women.

Since act of 1898, a married woman may sue in her own name for torts committed against her, whether cause of action arose before or after said act went into effect (January 1, 1899). *Wolf v. Frank*, 92 Md. 143.

A married woman may sue in her own name for protection of her property regardless of when she acquired her interest in it. She may sue husband in equity even if sec. 20 is not applicable. *Masterman v. Masterman*, 129 Md. 177.

Prior to act of 1898, it was necessary for husband and wife to join in suing for a personal injury to wife. *Samarzevosky v. Baltimore City Pass. Ry. Co.*, 88 Md. 480 (construing in this regard the act of 1892, ch. 267, and sec. 4 of the Code of 1888); *Treusch v. Kamke*, 63 Md. 278.

As to joinder *vel non* of wife and of husband in a suit for trover and trespass to wife's separate and other property held under act of 1853, ch. 245, see *Barr v. White*, 22 Md. 264.

A married woman may maintain a suit for board and for services rendered an aunt. *Neudecker v. Leister*, 132 Md. 576.

What "property" a wife might sue for by her next friend under art. 45, sec. 4, of Code of 1860. Formerly a married woman could not sue her husband at law during coverture, although she could sue his executor. (See sec. 20.) *Barton v. Barton*, 32 Md. 224. See also *Samarzevosky v. Baltimore City Pass. Ry. Co.*, 88 Md. 480.

A suit by the wife for a personal tort was not included in art. 45, sec. 4, of Code of 1860 (relative to the wife suing by her next friend). *Treusch v. Kamke*, 63 Md. 283.

For cases arising under art. 45, sec. 4, of Codes of 1888 and 1860 (as to a married woman suing by her next friend), see *Wolf v. Bauereis*, 72 Md. 485; *Herzberg v. Sachse*, 60 Md. 431; *Abrahams v. Trappe*, 60 Md. 323; *Frazier v. White*, 49 Md. 7; *Strasburger v. Barber*, 38 Md. 109; *Heck v. Vollmer*, 29 Md. 511; *Bridges v. McKenna*, 14 Md. 266.

For case involving act of 1882, ch. 265 (sec. 7 of the Code of 1888), with reference to a married woman suing as if she were a *feme sole*, see *Baltimore City Pass. Ry. Co. v. Kemp*, 61 Md. 78.

Suits against married women.

Prior to act of 1898, a married woman could only be sued in cases in which it was so provided by some section of this article, and it was necessary that declara-